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	First Named Inventor	David S. Puente	
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	Examiner Name	Harun M. Yimam	
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PATENT
YR1-34

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS**

Appeal No. _____

In re Application of: DAVID S. PUENTE ET AL

Serial No.: 09/924,036

Filed: August 7, 2001

For: STREAMING MEDIA PUBLISHING SYSTEM AND METHOD

APPELLANTS' REPLY BRIEF

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS**

In re Application of: DAVID S. PUENTE ET AL	: Date: June 20, 2006
Serial No.: 09/924,036	: Group Art Unit: 2623
Filed: August 7, 2001	: Examiner: Harun M. Yimam
For: STREAMING MEDIA PUBLISHING	:
SYSTEM AND METHOD	:

APPELLANTS' REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer of May 17, 2006. This brief is submitted in accordance with the provisions of 37 C.F.R. §41.41.

ARGUMENT

The Examiner has rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Burns U. S. 5,991,306 in view of Lumley U. S. 6,588,013.

The Examiner states considering claim 1, Burns discloses a streaming media publishing system (Figure 2) comprising: a content processing center (content server – 52 in Figure 2) for processing the media content (column 5, line 66 – column 6, line 7 and column 9, lines 35-48) to generate a streaming media presentation comprising integrated static HTML pages (since the content server multicasts HTML pages, it inherently generates the HTML pages (column 6, lines 1-7) and encoded video, audio (the media content has to inherently be formatted/encoded for suitable transmission) and metadata (hyperlinks for hypermedia document to various data items, such as video and audio – column 6, lines 1-7 and column 9, lines 42-50); a satellite for transmitting the streaming media presentation (54 in Figure 1 and column 6, lines 22-25); a cache server (72 Figure 2) for receiving and storing the transmitted streaming media presentation (column 6, lines 56-65); client personal computers (58 and 60 in Figure 2) coupled to the cache server comprising browser software for accessing the streaming media presentation stored on the cache server and displaying the streaming media presentation (column 6, lines 48-55).

The Examiner further submits that Burns further discloses that the processing center (52 in Figure 6) serves content in the form of video, audio and text (column 5, line 66

– column 6, line 1). However, the Examiner acknowledges that Burns fails to specifically disclose a particular source for the media content.

The Examiner goes on to state in analogous art, Lumley discloses a source of media content (14 in Figure 1 and column 4, line 66 – column 5, line 18) comprising video, audio and textual content (column 5, lines 34-35) for distributing various promotional materials to multiple users (column 5, lines 19-35).

The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify Burns' system to include a source of media content, as taught by Lumley, for the benefit of distributing various promotional materials to multiple users (column 5, lines 19-35).

Respondents respectfully submit that nothing in column 6, lines 1-7, relied upon by the Examiner, either explicitly or inherently discloses generating a streaming media presentation comprising integrated static HTML pages by disclosing that the content server multicasts HTML pages (HTML by itself is static unless otherwise stated as a dynamic HTML, according to the Examiner, which is an interactive website created by using a combination of static HTML and other key components).

Respondents respectfully contend that the second element of claim 1 “a content processing center coupled for receiving the media content from the source of media content, and for processing the received media content to generate a streaming media presentation comprising integrated static HTML pages and encoded video, audio and metadata” is nowhere to be found in the recited passages relied upon by the Examiner and, in addition, is not taught, suggested or implied by server 52 in Figure 2 of Burns nor at column 5, line 66 – column 6, line 7, and column 9, lines 35-48 of Burns.

Further, Respondents respectfully submit that nothing in column 9, lines 45-58 or lines 56-65 of Burns teaches the content processing server recited above which generates a streaming media presentation.

Respondents note, as alleged by the Examiner, that element 54 was introduced as a satellite for transmitting streaming media presentation as required by claim 1 which possesses high bandwidth, citing column 6, lines 16-19 connected to server 52 that provides audio, video and other multimedia, citing column 5, line 65 – column 6, line 2, and that a secondary network, as previously recited in Appellants' brief, is disclosed at column 6, lines 22-27. However, Respondents respectfully contend that, although the Examiner states that he is not relying on a satellite for transmitting the streaming media presentation to be taught by Figure 6 and column 11, line 49, the Examiner does not designate what teaching of the Burns reference supports this limitation. Furthermore, it would appear that Burns at column 11, lines 50-54, “attacks the latency problem of streaming video and audio data by supplementing the primary Internet distribution network with a second network

“which is not reliant on the Internet/ISP connection.” Respondents respectfully submit that this is the only reference to streaming video and Burns is attacking the latency problem of streaming video with a second network which appears to be teaching away from element 2 of claim 1 which requires generating streaming media.

Respondents respectfully submit that nothing in column 6, lines 56-65 of Burns nor cache server 72 in Figure 2, having a storage 78 in Figure 2, and caches as described at column 9, lines 56-65, relied upon by the Examiner, teaches, suggests or implies “a cache server for receiving and storing the transmitted streaming media presentation” as required by element 4 of claim 1.

Respondents respectfully submit that nothing in Burns at column 6, lines 48-65, computers label 58 and 60 in Figure 2, ISP 56 and the teachings at column 6, lines 48-50 and column 8, lines 5-22, teaches “one or more client personal computers coupled to the cache server that each comprise browser software for accessing the streaming media presentation stored on the cache server and displaying the streaming media presentation” as required by element 5 of claim 1. Furthermore, Respondents respectfully disagree that the cache server described inter alia in Burns column 6, lines 48-50, inherently comprises a browser software for accessing the streaming media as contended by the Examiner at column 8, lines 5-22. Respondents respectfully submit that at column 8, lines 5-22 there is a general teaching that “the Web context, the subscriber computers run Web browser applications which generate requests in the form of universal resource locators (URLs).” Respondents respectfully contend that no where in said recitation, inherently or explicitly, is there taught “browser software for accessing the streaming media presentation stored on the cache server and displaying the streaming media presentation” as required by element 5 of claim 1.

Although Respondents do not necessarily agree that label 52, Figure 6, accompanying discussion at column 5, line 66 – column 6, line 1 of Burns, reads on element 2 of claim 1, nevertheless, said recitation is devoid of “a processing center...to generate a streaming media presentation comprising integrated static HTML pages and encoded video, audio and metadata” as required by element 2 of claim 1.

Respondents respectfully submit that Lumley at label 14 in Figure 1 and column 4, line 66 – column 5, line 18, and further at column 5, lines 34-35 and column 5, lines 19-35, does not teach, suggest or imply a source of media content comprising video, audio and textual content as in element 1 of claim 1, which is received by content processing center as in element 2 of claim 1, transmitted by a satellite as in element 3 of claim 1, to a cache server as in element 4 of claim 1, and then accessed by one or more client computers as in element 5 of claim 1. Respondents respectfully submit that this deficiency is not remedied by disclosures at column 5, lines 34-35, nor at column 5, lines 19-35 of Lumley, which

appear to be directed to the promotional materials provided by main facility 12 which may be provided to television distribution facility 16 as a continuous data stream.

Therefore, Respondents again respectfully disagree that it would have been obvious to one of ordinary skill in the art to modify Burns' system to include a source of media content, as taught by Lumley, for the benefit of distributing various promotional materials to multiple users. Respondents further submit that Burns, directed to a network system which includes a content provider connected to local service providers via an interactive distribution network such as the Internet, wherein the Internet is definitely the primary network and a satellite is a secondary network 202 "for distributing content from the content server 52 to the ISPs 56", is not properly combinable with Lumley, directed to a promotional video system which may include an interactive electronic television program guide which furthermore does not teach, suggest or imply either streaming or the use of a cache as required by claim 1 of the instant invention.

The Examiner has rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Burns U. S. 5,991,306 in view of Lumley U. S. 6,588,013 as applied to claim 1 above, and further in view of Omoigui U. S. 2005/0076378.

The Examiner contends as for claim 2, Burns and Lumley disclose a streaming media publishing system but fail to disclose that the streaming media presentation is searchable using the metadata integrated with the video and audio.

The Examiner further contends that Omoigui is analogous art and discloses that the streaming media presentation at paragraph 19, lines 1-7 is searchable using the metadata (descriptive presentation information) integrated with the video and audio, citing paragraph 22, lines 1-7, for the benefit of searching for a particular media presentation, citing paragraph 22, lines 5-7.

The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify the combined system of Burns and Lumley to include searchable streaming media presentation using metadata, as taught by Omoigui, for the benefit of searching for a particular media presentation as seen in paragraph 22, lines 5-7.

Respondents again respectfully contend that in Omoigui at paragraph 19, lines 1-7, paragraph 22, lines 1-7 and paragraph 22, lines 5-7 there is not taught, suggested or implied a searchable streaming media presentation that is searchable using the metadata integrated with video and audio for the benefit of searching for a particular media presentation as contended by the Examiner, as required by claim 2.

Respondents respectfully contend that Burns is not properly combinable with Lumley and, further, that Omoigui is not combinable with either of Burns or Lumley since it is directed to a network client server system where live presentations can be streamed from an encoder or other server to a client computer; is primarily directed to use in the Internet

and not satellite; does not require a cache for receiving and storing the transmitted streaming media presentation as required by element 4 of claim 1; nor is it used in combination with the content processing center of element 2 of claim 1; and fails to meet the requirements of the source media content in element 1 of claim 1 and the client personal computers in element 5 of claim 1.

Furthermore, Respondents restate that Burns is not properly combinable with Lumley and further with Omoigui since there is not motivation, suggestion or implication in any of these references that would provide a basis for one of ordinary skill in the art to combine one with the other as suggested by the Examiner. This deficiency is in no way cured by Omoigui at paragraph 22, lines 5-7 as contended by the Examiner.

The Examiner has rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Burns U. S. 5,991,306 in view of Nagai U. S. 6,795,092.

The Examiner states regarding claim 3, Burns discloses a streaming media publishing method (Figure 2) comprising the steps of: selectively processing graphics and text associated with a streaming media presentation to create a dynamic hypertext markup language (HTML) page (column 5, line 66 – column 6, line 7) corresponding thereto; processing video and audio (column 5, line 66 – column 6, line 1) to extract metadata associated with the presentation (hyperlinks for hypermedia document to various data items, such as video and audio – column 6, lines 1-7 and column 9, lines 42-50); encoding the video, audio, and metadata in a predetermined format (the media content has to inherently be formatted/encoded for suitable transmission); integrating static HTML page with encoded video, audio, and metadata (since the content server multicasts HTML pages: web pages, that links text, audio, and video, and the media content has to inherently be formatted/encoded for suitable transmission, the HTML is inherently integrated with the streaming media before multicasting – column 5, line 66 – column 6, line 7); transmitting the streaming media presentation comprising the integrated static HTML page and encoded video, audio, and metadata to a remotely located cache server where it is stored (column 6, lines 22-25 and 56-65); accessing and viewing the streaming media presentation using web browser software disposed on a personal computer coupled to the cache server (column 6, lines 1-7 and 48-65).

The Examiner contends that Burns fails to disclose converting the dynamic HTML page into a static HTML page.

The Examiner states in analogous art, Nagai discloses converting the dynamic HTML page into a static HTML page for the benefit of generating a static digest/summary of a multimedia from a plurality of media data (column 6, lines 39-43 and column 7, lines 50-52).

The Examiner concludes it would have been obvious to one of ordinary skill in the art to modify Burns' method to include converting the dynamic HTML page into a static HTML page, as taught by Nagai, for the benefit of generating a static digest/summary of a multimedia from a plurality of media data (column 6, lines 39-43 and column 7, lines 50-52).

Respondents respectfully submit that in Nagai, column 7, lines 50-52, relied upon by the Examiner, there is neither taught, suggested nor implied converting the dynamic HTML page into a static HTML page as required by elements 2-6 of claim 3 which calls for processing video and audio to extract metadata associated with the presentation, encoding the video, audio and metadata in a predetermined video format, converting the dynamic HTML page into a static HTML page, integrating the static HTML page with the encoded video, audio and metadata, transmitting the streaming media presentation comprising the integrated static HTML page and encoded video, audio and metadata to a remotely located cache server where it is stored.

Respondents, in addition to contending in its brief the patentable distinctions of claims 3 and 4 over Burns for reasons recited therein, have stated that the proper foundation or motivation is not present to combine Burns with Nagai since, absent the conversion of the dynamic HTML page into a static HTML page recitation in Nagai, there is no teaching, suggestion or implication of the other interrelated steps which encompass the converting of the dynamic to the static HTML page. Furthermore, Burns is not analogous to Nagai since it is directed to a network system which includes a content provider connected to a local service provider via an interactive distribution network such as the Internet, where Nagai is directed to a conventional partial data reproduction method proposed which can be applied to a document constituted of a single media data type but cannot be applied to a document constituted of plural types of media data including still image data, text image data and the like and reproduction control information for the media data.

Therefore, Respondents again respectfully disagree that it would have been obvious to one of ordinary skill in the art to modify Burns' method to include converting the dynamic HTML page into a static HTML page, as taught by Nagai and contended by the Examiner, for the benefit of generating a static digest/summary of a multimedia from a plurality of media data, citing column 6, lines 39-43 and column 7, lines 50-52.

The Examiner states regarding claim 4, Burns and Nagai meet the claimed limitation. In particular, Burns discloses that streaming media presentation is transmitted over a satellite link (54 in Figure 1 and column 6, lines 22-25).

Respondents again respectfully submit that claim 4 has been shown to be patentably distinguishable over Burns for reasons recited in its brief which include inter alia the use of a primary Internet network and secondary satellite network and label 54 of

Figure 1 and accompanying discussion at column 6, lines 22-25 do little to cure this deficiency.

The Examiner has rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Burns U. S. 5,991,306 in view of Nagai U. S. 6,795,092 as applied to claim 3 above, and further in view of Omoigui U. S. 2005/0076378.

The Examiner states as for claim 5, Burns and Nagai disclose a streaming media publishing system but fail to disclose that the streaming media presentation is searchable using the metadata integrated with the video and audio.

The Examiner contends that in analogous art, Omoigui discloses that the streaming media presentation (paragraph 19, lines 1-7) is searchable using the metadata (descriptive presentation information) for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

The Examiner concludes it would have been obvious to one of ordinary skill in the art to modify the combined method of Burns and Nagai to include searchable streaming media presentation using metadata, as taught by Omoigui, for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

Respondents again respectfully submit that claim 5 has been seen to be patentably distinguishable over Burns in view of Nagai as applied to claim 3 above and further in view of Omoigui for reasons recited in its brief which are hereby respectfully incorporated by reference.

Respondents have respectfully submitted that these references, in addition to not being properly combinable to meet claim 5, there being no suggestion or implication in any of them to combine with each of the others or any motivation of one of ordinary skill in the art to do so, none of these references, alone or in any combination, recite the method as recited in claim 5 which is that as recited in claim 3, further comprising the step of searching the streaming media presentation using metadata contained within the presentation.

Respondents therefore again respectfully disagree, for the reasons recited with regard to the patentability of claim 5 over Burns, Nagai and Omoigui, that it would have been obvious to one of ordinary skill in the art to modify the combined method of Burns and Nagai to include searchable streaming media presentation using metadata as taught by Omoigui for the benefit of searching for a particular media presentation.

For the above recited supplemental reasons, in addition to those recited in Respondents' brief, Respondents respectfully request that the final rejection of the primary Examiner be reversed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "AW Karambelas". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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